

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

EDWARD EUGENE WILLIAMS,

Plaintiff,

vs.

COMMISSIONER DONAL CAMPBELL, et al.,

Defendants.

CV 03-B-2868-W

ENTERED

FEB 10 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on December 31, 2003, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim for which relief can be granted under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on January 23, 2004.

Plaintiff continues to object to his classification level, but does not submit any new facts to show that the defendants knowingly used erroneous information to establish his classification level. Plaintiff attaches thirty-seven pages of the classification manual, with numerous highlighted sections. To the extent plaintiff is complaining that defendants failed to follow a routine procedure, he fails to state a constitutional claim. The mere fact that agency regulations or procedures have been violated does not by itself raise a constitutional issue. *United States v. Caceres*, 440 U.S. 741, 99 S.Ct. 1465, 59 L.Ed.2d 733 (1979); *Brown v. Texas A & M University*, 804 F.2d 327, 335 (5th Cir.1986), (holding that a state agency's violations of its own internal regulations did not establish a Due Process violation or otherwise give rise to a constitutional claim).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DATED this 10th day of February, 2004.

Sharon Lovelace Blackburn
SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE